

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Greenwood Broadcasting Co., Inc.)	File No.: EB-FIELDSCR-18-00026264
)	
Owner of Antenna Structure Number 1051859)	FRN: 0001743129
)	
Greenwood, Mississippi)	
)	
)	
)	

NOTICE OF VIOLATION

Released: July 16, 2018

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules¹ to Greenwood Broadcasting Co., Inc., owner of antenna structures number 1051859 in Greenwood, MS. Pursuant to Section 1.89(a) of the Commission’s rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On March 5, 2018, an agent of the Enforcement Bureau’s New Orleans Office monitored antenna structure number 1051859 located at 33-33-16 North Latitude, 90-12-20 West Latitude and observed the following violation:

- a. 47 C.F.R. § 17.6(a): “The antenna structure owner is responsible for maintaining the painting and lighting in accordance with this part.” According to the FCC antenna structure registration, the tower exceeds 200 feet in height above ground and requires painting and lighting to meet the specifications of FCC paragraphs 1, 3, 12, and 21 (the structure be painted and have at its top a flashing red beacon along with steady burning red side obstruction lights at two-thirds and one-third of the overall height of the tower, and the lights were to be displayed continuously or controlled by a light sensitive device.) At approximately 6:05 p.m. CST under dark, cloudy skies, an agent observed the top beacon and side obstruction lights were extinguished.

3. On March 6, 2018, in relation to antenna structure number 1051859, an agent of the Enforcement Bureau’s New Orleans Office observed the following violation:

- b. 47 C.F.R. § 17.48(a): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part shall report immediately to the FAA, by means acceptable to the FAA, any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. If the lights....” After observing the tower had no lights the previous night, the agent called the FAA to check if a Notice to Airmen (NOTAM) had

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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been issued and found that no one had notified the FAA of the outage. The agent subsequently notified the FAA of the outage and a NOTAM for the structure was issued.

4. Pursuant to Section 403 of the Communications Act of 1934, as amended (Act), and Section 1.89 of the Commission's rules, we seek additional information concerning the violations and any remedial actions taken.³ Therefore, Greenwood Broadcasting Co., Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

5. In accordance with Section 1.16 of the Commission's rules, we direct Greenwood Broadcasting Co., Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Greenwood Broadcasting Co., Inc. with personal knowledge of the representations provided in Greenwood Broadcasting Co., Inc.'s response, verifying the truth and accuracy of the information therein, and confirming that all of the information requested by this Notice which is in the company's possession, custody, control, or knowledge has been produced.⁵ To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

6. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission
Office of the Director – Region Two
P.O. Box 1493
Powder Springs, GA 30127

7. This Notice shall be sent to Greenwood Broadcasting Co., Inc. at its address of record and to its counsel, Anne Swanson, at Wilkinson, Barker Knauer, LLP, 1800 M Street, N.W., Suite 800N, Washington, DC 20036.

8. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

³ 47 U.S.C. 403; 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

⁵ Section 1.16 of the Commission's rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 CFR § 1.16.

⁶ 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

⁷ 5 U.S.C. § 552a(e)(3).

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Ronald Ramage
Director – Region Two
Enforcement Bureau